Remarks/Arguments

Status of the Claims

Claims 1-6, 8-16, 18-41 are pending in the application. Claims 21-29 and 40-41 have been withdrawn from consideration as being drawn to non-elected subject matter. Claim 33 has been amended herein to change its dependency from claim 31 to claim 32. Claims 1-6, 8-16, 18-20 and 30-39 stand rejected. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-6, 8-16, 18-20, 30-31, 34-36 and 38 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2005/0289617 by Safadi et al. ("Safadi"); and claims 32, 33, 37 and 39 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Safadi. Applicant respectfully traverses this rejection because Safadi fails to identically teach every element of the claims. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

An aspect of the independent claims of the present application relates to decoding an audio/video stream from multiple sources (e.g., a television source and an IP source) using the same hardware decoder. Hardware decoders provide relatively high frame rates when compared to software decoding by general purpose microprocessors.

As stated on pages 2 and 3 of the present application, typical set-top-boxes (STBs) include DOCSIS cable modems to provide Internet access. By way of contrast with the present application, such STBs typically include a central processing unit (CPU) to provide software decoding of IP-based media streams, which limits the frame rate of the displayed media stream and burdens the STB's CPU. As discussed in detail below, Safadi is silent as to using the same hardware decoder for decoding audio/video streams from multiple sources, including an IP source. Further, Applicant respectfully submits that Safadi teaches an STB that uses a DOCSIS modem and software decoding for IP-based information.

1. Safadi is silent as to decoding information received through the DOCSIS tuner 203 using the audio/video decoder 103 shown in FIG. 1.

FIG. 1 of Safadi illustrates a personal versatile recorder unit integrated with a set-top terminal 200. See, paragraph [0034], lines 1-3. The set-top terminal/personal versatile recorder 200 includes a primary tuner 202 to tune to a desired channel available from a cable system (paragraph [0037], lines 1-6), and a secondary tuner 203 (also referred to as a DOCSIS tuner 203) that allows web content to be retrieved (paragraph [0041]).

Safadi specifically teaches that programming received through the primary tuner 202 is sent through the decoder 103. For example, referring only to the primary tuner 202, paragraph [0038] indicates that the "programming can also be decoded through the audio/video decoder (103)." However, Safadi provides no such teaching for signals received through the DOCSIS tuner 203. This is not surprising because, as discussed below, Safadi teaches that the CPU 104 executes software applications to handle the signals received through the DOCSIS tuner 203.

Page 3 of the Office Action points to paragraph 19, lines 4-7 of Safadi for support of the assertion that the decoder 103 may decode output from either the primary tuner 202 or the DOCSIS tuner 203. However, Applicant respectfully disagrees that the cited portion of Safadi provides any such support. Rather, the cited portion of Safadi merely teaches that integrating a personal versatile recorder with a set-top terminal allows resources, including decoding, to be shared. However, this alone does not indicate that the decoder 103 shown in FIG. 1 is shared between the primary tuner 202 and the DOCSIS tuner 203, but merely that an integrated recording device could share some resources with the set-top terminal. Indeed, Safadi is silent as to whether IP-based data received through the DOCSIS tuner 203 is decoded by the decoder 103.

Page 3 of the Office Action also points to paragraph 38, lines 6-8 of Safadi for support of the assertion that the decoder 103 may decode output from either the primary tuner 202 or the DOCSIS tuner 203. However, as discussed above, paragraph [0038] of Safadi only teaches that programming received through the primary tuner 202 is decoded through the decoder 103. Paragraph [0038] is completely silent as to information received through the DOCSIS tuner 203.

2. Safadi specifically teaches that web content is handled by software applications executed by the CPU 104 shown in FIG. 1.

Unlike the programming received through the primary tuner 202, which Safadi specifically teaches is decoded by the decoder 103 (paragraph [0038]), the web-based content received through the DOCSIS tuner 203 is processed by software applications executed by the CPU 104.

To provide a background understanding of how web-based content (e.g., web pages, data files, streamed content) is handled, paragraph [0012] of Safadi teaches that

"[d]ata files or streamed content cannot be displayed or played on a monitor (or television set) unless opened with an appropriate '*player*,' [i.e.], a software application designed to take the data as formatted in the file, or streamed content, and ***reproduce therefrom the <u>encoded</u> picture, music, sound, video***, etc." (Emphasis added).

Safadi then teaches how the web-based content received through the DOCSIS tuner 203 is reproduced by appropriate applications executed by the CPU 104. For example, paragraph [0041] teaches that the stream from the DOCSIS tuner 203 is provided to a DOCSIS modem 101, which in turn communicates with the CPU 104 over the system bus 112. Paragraph [0060] clearly teaches that the CPU 104 executes the appropriate software to reproduce the encoded content. For example, the CPU 104 executes "image manipulation software" to display an image file. *Id*., lines 1-6. The CPU 104 can also execute "browser software" to display an HTML file. *Id*., lines 8-11. More importantly, the ***CPU 104 executes a "player program" to provide video and/or audio signals to the television set***. *Id*., lines 16-18. See also, paragraph [0061] (indicating that the CPU 104 executes an e-mail application to handle e-mail), and paragraph [0064] (indicating that the CPU 104 multimedia data in streamed audiovisual programming).

Thus, not only is Safadi silent as to web-based content being processed by the decoder 103, Safadi specifically teaches that encoded web-based content is rendered by appropriate software applications executed by the CPU 104. Thus, Applicant respectfully requests that the rejections based on Safadi be withdrawn.

Conclusion

Based at least on the foregoing, claims 1, 11, 30 and 31 are allowable over the art that has been cited and applied by the Examiner. Further, claims 2-6, 8-16, 18-20 and 32-39 are also allowable, among other reasons, as depending from claims 1, 11 and 31, respectively. Applicants therefore request withdrawal of the rejections and allowance of the application at an early date.

Respectfully submitted,

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